IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 380 OF 2006

Purushottam Kisanrao Dapke. ... Applicant.

V/s.

State of Maharashtra
and another. ... Respondents.

P.J.Thorat for the applicant.

Rajesh More for respondent No.1- State.

Ms.Indu Verma for respondent No.2.

CORAM: V.C.DAGA, J.

DATED: 10th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

. Perused the revision, impugned judgment and the findings recorded therein.

2. This revision is directed against the order dated 12th September, 2006 passed in Criminal Appeal No.73/2005 by the Additional Sessions Judge, Nashik, substantially, confirming the findings recorded by the trial Court, viz. the Chief Judicial Magistrate Nashik in SCC No.3914/2003. However, the operative part of the order was modified and the punishment imposed came to be reduced by the Sessions Court for

the reasons recorded in the order.

3. The learned counsel for the applicant submits that the lower appellate Court did not appreciate the evidence in proper perspective. He submits that the present applicant was in custody for about 16 days and, therefore, the punishment be reduced and modified to the extent he has already undergone. He has relied upon the judgment of learned single Judge of this Court **Sayyadahamad Pirjade v. State of Maharashtra**, 1991 (1) BCR 40.

4. Having heard learned counsel for the applicant, he could not point out any perversity in the impugned order passed by the lower appellate Court. He could not demonstrate as to which relevant part of the evidence is not appreciated or any irrelevant part of evidence is taken on record to substantiate its findings. Considering the limited jurisdiction of this Court while exercising revisional jurisdiction, I do not think it is a fit case to exercise revisional jurisdiction. The judgment in the case of **Sayyadahamad Pirjade** (cited supra) will not be of any help to the applicant in the facts of this case, though, the law laid down therein cannot be disturbed.

5. Revision application is, therefore, dismissed.

6. At this stage, learned counsel for the applicant prays for time to surrender. 10 days time is granted to surrender as prayed.

JUDGE